

**U.S. BANKRUPTCY COURT
District of South Carolina**

Case Number: **19-05193-hb**

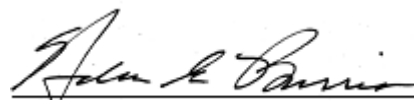
Amended Settlement Order

The relief set forth on the following pages, for a total of 3 pages including this page, is hereby ORDERED.

**FILED BY THE COURT
03/11/2020**



Entered: 03/11/2020


Chief US Bankruptcy Judge
District of South Carolina

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF SOUTH CAROLINA

IN RE:) Bankruptcy Case No.: 19-05193-HB
) Chapter 13
John H. Cullum, Jr.) **AMENDED SETTLEMENT ORDER ON**
Sylvia C. Cullum) **MOTION FOR RELIEF FROM AUTOMATIC STAY**
Debtors)
_____)

This matter comes before the Court on the motion for relief filed by Debra Stephen ("Movant"). The Chapter 13 Trustee did not object to the motion or has agreed to the settlement. The property serving as collateral which is the subject of the motion is described as follows:

the real property and improvements located at 1457 Aldrich Street, Aiken, South Carolina

Upon Movant's certification of the agreement of the parties, it is hereby ORDERED:

As of February 21, 2020, Movant has incurred a post petition arrearage in the amount of \$831.00. The post petition arrearage consists of:

___ Payments for the months of ___ in the amount of ___ per month.
___ Late charges in the amount of \$ ___
X attorneys' fees and costs in the amount of \$831.00
___ Other costs in the total amount of \$

Debtors shall cure the post petition arrearage of \$831.00 as follows:

___ Pay \$ ___ by _____.
___ Pay initial payment of \$ ___ by _____, 20__.
X Pay \$138.50 per month beginning March 1, 2020, for 6 months.
___ Pay final payment of \$ by _____.
___ Movant will credit the suspense balance in the amount of \$ _____.

Failure to make a payment within 20 days from its due date shall be considered a default under the terms of this settlement order.

All payments shall be paid directly to the movant at:

Debra Stephen by electronic money transfer or account deposit in the same manner in which the Debtors currently make their regular monthly mortgage payments

In the event of a default under the terms of this Order, relief from the stay may be provided without further hearing upon the filing of an affidavit of default by Movant and the entry of the proposed order by the Court. Movant may then proceed with its state court remedies against the collateral, including sending any required notice to Debtor(s). This *ex parte* provision shall expire and no longer be effective 24 months from the entry of this order.

Movant had waived any claim arising under 11 U.S.C. §503(b) or §507(b) and, in the event relief from the automatic stay is granted due to Debtor(s)' default under the terms of this Settlement Order, agreed that any funds realized from the disposition of its collateral in excess of all liens, costs, and expenses will be paid to the Trustee or bankruptcy estate.

The parties agree that the Fed. R. Bankr. P. 4001(a)(3) stay:

 is applicable to any order granting relief for default on this settlement order.
 X is not applicable to any order granting relief for the default on this Settlement Order.

The motion was based on the Debtors' failure to provide proof of insurance coverage and paid tax receipts upon request. Debtors have since provided the requested proof. Debtors must maintain such continuous insurance coverage, providing proof of such within ten (10) days of written request to Debtors' counsel. Further, the Debtors must pay all county and city property taxes by their due dates, providing proof of such within ten (10) days of written request to Debtor' counsel. Upon failure to do so, Movant may file an Affidavit pursuant to the default provisions as stated above.

AND IT IS SO ORDERED.

WE SO MOVE AND CONSENT:

/s/ B. Lindsay Crawford, III
B. Lindsay Crawford, III
Attorney for Movant
District Court ID 0921

/s/ V. Lee Ringer
V. Lee Ringer
Attorney for the Debtor
District Court ID 4796

CERTIFICATION:

Prior to consenting to this Settlement Order, the payment obligations set forth in the order, including the amounts, method, and timing of payments, and consequences of default were reviewed with and agreed to by the Debtor or the party obligated to pay.

/s/ V. Lee Ringler
V. Lee Ringler
ID 4796

March 10, 2020
Date